## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

BENJAMIN COLE,	)	
	)	
Petitioner,	)	
	)	
<b>v.</b>	)	1:05CV00799
	)	
STATE OF NORTH CAROLINA,	)	
	)	
Respondent.	)	

## J-U-D-G-M-E-N-T

The Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on September 15, 2005, was served on the parties in this action. No objections were filed within the time limits prescribed by § 636.

The court hereby adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED AND ADJUDGED that this action be, and is hereby, dismissed without prejudice to Petitioner filing a new petition which corrects the defects set out in the Order and Recommendation.

United States District Judge

Date: March 20, 2006